

REMARKS/ARGUMENTS

This submission is in response to the Office Action mailed January 8, 2010. Claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 230-238 were pending in the present application. No claims have been amended, canceled, or added. Accordingly, claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 230-238 will remain pending after entry of this submission. Reconsideration of the rejected claims is respectfully requested.

35 U.S.C. §103 Rejection of Claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 232-238

Claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 232-238 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fox et al. (U.S. Patent No. 5,491,629, hereinafter “Fox”) in view of Ouimet (U.S. Publication No. 2002/0107819 A1, hereinafter “Ouimet”), further in view of both Salvo et al. (U.S. Patent No. 6,231,271, hereinafter “Salvo”) and Waller et al. (U.S. Publication No. 2001/0047293 A1, hereinafter “Waller”). Applicants respectfully traverse.

Applicants’ independent claim 140 recites, in part:

analyzing, by the computer system, the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data;

...

recommending by the computer system, one or more proposed actions to take with respect to procurement-of the plurality of components based on the analyzing performed using the first, second, and third analysis modules;

Applicants submit that at least these features of claim 140 are not taught or suggested by Fox, Ouimet, Salvo, or Waller, considered individually or in combination.

For example, Fox, Ouimet, Salvo, and Waller fail to teach or suggest “analyzing... the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates

the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data” as recited in claim 140. In the “Response to Arguments” section, the Office Action asserts that this feature is shown by Ouimet at paragraph 69. (Office Action: pgs. 15-16). Applicants respectfully disagree.

As explained in the Response filed October 22, 2009, Ouimet is directed to a “method and system for controlling the optimization of a planning model [for a business] while simultaneously satisfying at least one strategic objective.” (Ouimet: para. 10). Examples of strategic objectives include the maximization or minimization of various measures such as profit, revenue, cost, service level, etc. (Ouimet: paras. 53-68). The cited section of Ouimet (paragraph 69) states:

Note that the task of selecting the Primary Objective from the Aggregate Measure Table may also includes [sic] the further task of selecting whether the Objective is to maximized [sic] or minimized. Strategic Objectives are also included in the Aggregate Measure Table and are selected by the user. The system gives the user the option of ranking the multiple Strategic Objects [sic] in terms of weights to prioritize multiple strategic objectives or in terms of a target value for a particular Strategic Objective. When presented with a target value for a Strategic Objective, the system operates to find the proper weight for the Objective that will yield the target value after optimization. When presented with the weight of a Strategic Objective, the system proceeds to optimize the model in light of the weight.

As best understood, this section merely indicates that one or more strategic objectives (e.g., profit maximization, cost minimization) can be selected by a user for optimizing a planning model. If multiple objectives are selected, weights can be determined for each objective based on target values (e.g., profit greater than one million). The planning model is then optimized in light of the strategic objectives and their corresponding weights.

Applicants submit that this section of Ouimet fails to teach anything about “analyzing... the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the

analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data” as recited in claim 140. (Emphasis added).

For example, the cited section of Ouimet fails to disclose determining criticality rankings for components to be procured by an enterprise, where the criticality rankings indicate the strategic importance of the components to operations of the enterprise. The Office Action apparently construes the determination of weights in paragraph 69 of Ouimet as corresponding to the determination of criticality rankings recited in claim 140. (See Office Action: pg. 15). However, as described above, the weights of Ouimet are simply weights that are applied to “strategic objectives” when used to optimize a planning model. Ouimet fails to teach (or even suggest) that these weights specifically pertain to components to be procured by an enterprise, or that they indicate the strategic importance of the components to the operations of the enterprise. As such, the weights of Ouimet cannot be properly construed as corresponding to a “criticality rating for a component ... [that] indicates the strategic importance of the component to operations of the enterprise” as recited in claim 140. (Emphasis added).

Further, the cited section of Ouimet fails to disclose the recited “first set of user-defined parameters” of claim 140. The Office Action apparently construes the “target values” described at paragraph 69 of Ouimet as corresponding to the first set of user-defined parameters. (See Office Action: pg. 15). However, as described above, the target values are simply business goal targets, such as profit above a certain amount. Nowhere does Ouimet indicate that such target values qualify internal or external data pertaining to components to be procured by an enterprise. Accordingly, the cited section of Ouimet fails to teach or suggest “wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data” as recited in claim 140. (Emphasis added).

In the “Response to Arguments” section, the Office Action states:

In order to determine whether a target value have [sic] been reached the data must be qualified, further, the weights of Ouimet are related to components to be procured by an enterprise because Ouimet provides an automated planning model that calculates the outcomes (e.g., procure profit maximization) based on a larger number of scenarios defined by the user.

(Office Action: pg. 16).

Applicants respectfully disagree with these statements. First, claim 140 recites that the first set of user-defined parameters qualify external data that is external to the enterprise and internal data that is internal to the enterprise. Even if, assuming *arguendo*, the determination of a target value in Ouimet can be construed as requiring the qualification of data, Ouimet still fails to teach or suggest qualifying the specific types of data (e.g., external and internal data) recited in claim 140.

Second, Applicants fail to perceive (and the Office Action fails to explain) how the mere fact that Ouimet “provides an automated planning model” necessarily implies that the weights of Ouimet are related to components to be procured by an enterprise. Applicants submit that there is no basis in Ouimet for this conclusion. Further, Applicants note that Ouimet does not make any reference to “procure profit maximization.”

Further, since Fox, Ouimet, Salvo and Waller fail to disclose the analysis performed by the recited first analysis module of claim 140, the references necessarily fail to teach or suggest “recommending... one or more proposed actions to take with respect to procurement of the plurality of components based on the analyzing performed using the first, second, and third analysis modules” as recited in claim 140.

For at least the foregoing reasons, Applicants submit that independent claim 140 is not rendered obvious by Fox, Ouimet, Salvo, and/or Waller, and respectfully request that the rejection of claim 140 be withdrawn.

Independent claims 237 and 238 recite features that are substantially similar to independent claim 140, and are thus allowable for at least a similar rationale as discussed for claim 140, and others.

Claims 141-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 232-236 depend (either directly or indirectly) from independent claim 140, and are thus allowable for at least a similar rationale as discussed for claim 140. In addition, these claims recite additional features that distinguish over the cited art.

For example, claim 162 recites, in part: “wherein the step of discovering internal and external data includes extraction, transformation and loading of data, scanning of data that has been aggregated across a single business unit or across multiple business units of the

enterprise, conducting of real-time searching, and customizing of real-time alerts and news feeds.” (Emphasis added). The Office Action asserts that the notion of discovering internal and external data by “conducting real-time searching and customizing of real-time alerts and news feeds” is well-known in the art. (Office Action: pg. 7). Applicants respectfully disagree. To the extent that the Examiner believes these features of claim 162 are well known in the art, the Examiner is respectfully requested to provide documentary evidence that supports this assertion per MPEP 2144.03(C): “If applicant adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained.” (Emphasis added).

Further, claim 233 recites, in part: “wherein the criticality rating for a component in the plurality of components is based on one or more variables including profit impact of the component, a number of products that would be affected by a shortage of the component, and a current inventory level of the component.” (Emphasis added). The Office Action asserts that these features of claim 233 are shown in Ouimet because paragraph 24 of Ouimet teaches that “the optimization routine successively analyzes the margin/revenue envelope to determine the scenario that gives the highest margin (profit) and the highest revenue.” (Office Action: pg. 9). However, Applicants submit that the notion of optimizing a margin/revenue envelope does not teach anything about variables that are used to determine a criticality rating for a component to be procured by an enterprise, let alone variables such as a number of products that would be affected by a shortage of the component, and a current inventory level of the component as recited in claim 233.

Further, claim 235 recites, in part:

wherein the one or more data sources internal to the enterprise include:
a supplier database comprising information about suppliers of the plurality of
components;
a contracts database comprising information about supplier contracts;
an internal parts database comprising information about products incorporating
the plurality of components;
a supply chain data database comprising information about inventory levels for
the plurality of components, warehouse locations, and production schedules; and

an enterprise resource planning (ERP) database comprising information about accounting ledgers and financial records related to the plurality of components.

The Office Action cites paragraph 87 of Waller as allegedly teaching the recited “internal parts database” and “supply chain data database” of claim 235. However, the Office Action completely fails to identify any sections of Waller (or any other references) that teach the recited “contracts database,” “supplier database,” and “ERP database” of claim 235.

35 U.S.C. §103 Rejections of Claims 230 and 231

Claim 230 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of both Salvo and Ouimet, further in view of Waller as applied to claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 233-238 in view of Huang et al. (U.S. Patent No. 5,953,707, hereinafter “Huang”). Claim 231 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of both Salvo and Ouimet, further in view of Waller as applied to claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183, and 233-238 in view of Yang et al. (U.S. Publication No. 2001/0034673, hereinafter “Yang”). Applicants respectfully traverse these rejections.

Claims 230 and 231 depend from independent claim 140, which is not rendered obvious by Fox, Ouimet, Salvo, and/or Waller as discussed above. As best understood, the other cited references do not remedy the deficiencies of Fox, Ouimet, Salvo, and Waller in this regard. Accordingly, Applicants submit that claims 230 and 231 are allowable for at least a similar rationale as discussed for claim 140, and others.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Amdt. dated April 7, 2010
Reply to Office Action of January 8, 2010

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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